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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

18 HOME DIAGNOSTICS, INC.,
19 a Delaware corporation,

Plaintiff,

22 LIFESCAN, INC.,
a California corporation

Defendants.

CASE NO. C 01-20725 JW (PVT) (ADR)

**ORDER ENTERING
JUDGMENT**

1 WHEREAS, the parties filed a Joint Stipulation for Judgment.

2 Whereas, the parties stipulated that, based on the evidence of record and in view of the
 3 Court's Order on Claim Construction of October 2, 2002, judgment should be entered declaring that
 4 the asserted claims, Claims 4, 5, and 6, of United States Patent No. 6,268,162 (the "162 patent") are
 5 not infringed by the operation of any of HDI's Prestige, Prestige LX, Prestige Smart System, and
 6 Prestige IQ blood glucose systems (the "accused Prestige meters").

7 WHEREAS, the parties agreed that this judgment is premised on LifeScan's stipulation that,
 8 given the Court's claim construction, the operation of the accused Prestige meters does not satisfy
 9 the following limitations of independent Claim 4 of the '162 patent:

10 a. "taking a sequence of reflectance readings from the testing surface of said matrix
 11 at specified time intervals;" and
 12 b. "upon detection of a suitably stable endpoint, calculating said glucose
 13 concentration in said sample from one of said reflectance readings."

14 WHEREAS, the parties agree that, consistent with this stipulation, any and all infringement
 15 claims that LifeScan has asserted in this action, including claims that HDI has directly and/or
 16 indirectly infringed the '162 patent, and that such infringement has been willful, should be
 17 dismissed, without prejudice to LifeScan's right to appeal the Court's claim construction.

18 WHEREAS, the parties agree that due to the significance of this judgment to the adjudication
 19 of the entire action and because there is no just reason for delay, this judgment should be made final
 20 under Fed. R. Civ. P. 54(b).

21 WHEREAS, the parties agree that all other claims should remain pending and this action
 22 should be stayed and administratively terminated pending any decision by the Court of Appeals for
 23 the Federal Circuit upon any appeal of judgment.

24 It is hereby ORDERED:

25 Pursuant to the Joint Stipulation for Judgment entered into by the parties, LifeScan's claims
 26 are dismissed and judgment of noninfringement of U.S. Patent No. 6,268,162 is hereby entered
 27 against LifeScan and for HDI. There being no just reason for delay, this judgment is final under
 28

1 Fed. R. Civ. P. 54(b). All other claims remain pending, and this action is stayed, pending any
2 decision by the Court of Appeals for the Federal Circuit upon any appeal of judgment.
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4 Dated: April 14, 2003

/s/ James Ware
5 The Honorable James Ware, Judge of the
6 United States District Court, Northern
7 District, San Jose Division
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